

AF  
1654

PATENT  
Attorney Docket 060616-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Ian Duncan Rubin *et al.*** )  
 )  
Application No. **09/891,615** ) Group Art Unit: **1654**  
 )  
Filed: **June 27, 2001** ) Examiner: **Michele C. Flood**  
 )  
For: **Extracts, Compounds And Pharmaceutical** )  
 **Compositions Having Anti-Diabetic Activity** )  
 **And Their Use** )

**NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES**

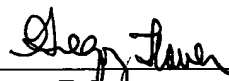
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated November 1, 2004 of the Examiner finally rejecting claims 1 to 12, 18, 25, 29, 30, 32 and 34 to 37 (claims 13 to 17, 19 to 24, 26 to 28, 31 and 33 having been withdrawn from consideration).

The Commissioner is hereby authorized to charge **\$500.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee as set forth on the accompanying transmittal form.

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **April 27, 2005**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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Gregory T. Lowen  
Registration No. 46,882

04/28/2005 JADD01 00000105 500310 09891615  
01 FC:1401 500.00 DA



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Examiner: **Michele C. Flood**

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U.S. Patent and Trademark Office  
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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**TRANSMITTAL FORM**

1. Transmitted herewith is a Notice of Appeal further in response to the Final Office Action dated November 1, 2004.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for an additional two-month extension of time further extending the period for response from March 1, 2005 to May 1, 2005, the fee for which is **\$900.00** as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefor.
3. Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	19	minus	41	0	\$50 each=	0.00
Independent Claims	2	minus	8	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						000
Total Fee =						0.00

4. Fee Payment: The Commissioner is hereby authorized to charge **\$1,400.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee (\$500.00) and the additional two-month extension of time fee (\$900.00).
5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this

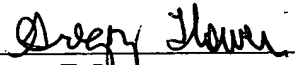
04/28/2005 JADD01 00000105 500310 09891615

02 FC:1253 900.00 DA

application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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